

Consideration of amendments to nonrule policy document for geocaching on DNR properties (Information Bulletin #46); Administrative Cause No. 11-131A

For consideration are numerous amendments to the nonrule policy document which assists with the management of geocaching activities on DNR properties. The amendments follow a dialog by the Divisions that manage DNR properties with persons and organizations interested in the development or enjoyment of geocaching activities. The amendments seek to adapt agency oversight of geocaching based on experiences and on the growth of the recreational activity since 2005 when the Commission first approved a nonrule policy document on this subject. In addition, reference to the Division of Museums and Historic Sites would be removed as a result of the legislative repeal of the Division.

**NATURAL RESOURCES COMMISSION
Information Bulletin #46 (~~Second~~ Third Amendment)**

SUBJECT: Geocaching on DNR Properties

1. Purpose and Application

The purpose of this information bulletin is to provide guidance for the management of geocaching activities on a DNR property. A person who participates in geocaching is subject to 312 IAC 8. A “cache” is a “device” and requires a license from the department under 312 IAC 8-2-10(6)(B). The standards for a license are outlined by this information bulletin.

2. Definitions

(1) “Cache” means a container that is used in association with geocaching. A cache typically includes items such as a logbook, pen, pencil, map, or trinkets.

(2) “Containerless cache” refers to the target for geocaching for which there is no container or logbook. Objects are not traded at the site of a containerless cache. The term includes any cache type without a container listing a DNR property, or global positioning system (“GPS”) coordinates on a DNR property, as the cache location.

~~(2)~~ (3) “Department” or “DNR” refers to the department of natural resources.

~~(3)~~ (4) “DNR property” has the meaning set forth in ~~312 IAC 8-1-4(3)~~ 312 IAC 8-1.5-6.

(4) ~~(5)~~ “Geocaching” means a game pursued by ~~global positioning system (or “GPS”)~~ GPS users. An individual or organization places a cache or caches and shares its or their location on the Internet. A participant in the game applies the GPS coordinates to locate a target cache or caches. When located, the participant records the find on a designated website such as www.geocaching.com. The game may provide that objects are traded at the cache.

~~(5)~~ (6) “Multi-cache” refers to containers that are located from information received in another cache.

~~(6)~~ “Virtual cache” refers to the target for geocaching for which there is no container. The location itself is the cache. Objects are not traded at the site of a virtual cache.

3. License Applications

~~(a)~~ (1) A person must obtain an “official geocaching placement license” on a department form before placing a cache on or within a DNR property. A cache that is placed without first obtaining a license under this information bulletin may be removed by the department and disposed as provided in “Personal Property Found on DNR Properties” (Information Bulletin #23, Second Amendment) that was posted on March 21, 2012 in the Indiana Register at 20120321-IR-312120149NRA.

~~(b)~~ (2) The property manager is authorized to issue, condition, or deny a license application.

~~(c)~~ (3) A person who is aggrieved by a determination by the property manager may seek informal review from the division director. A determination by the division director is subject to administrative review under 312 IAC 3-1.

4. General Prohibitions, Limitations, and Requirements

The following prohibitions apply to the placement of any cache and to any geocaching activity:

~~— (1) A person must not violate 312 IAC 8 or another state or a federal law.~~

~~— (2) The following do not qualify for geocaching other than in pursuit of a virtual cache:~~

~~(A) Properties administered in whole or part by the division of nature preserves, including any property dedicated under IC 14-31-1.~~

~~(B) Redbird State Riding Area in Greene County and Sullivan County.~~

~~— (3) A person must not dig or otherwise disrupt the ground when placing a cache.~~

~~— (4) A person is limited to a maximum of two (2) official geocaching placement licenses on a particular DNR property at any time. (1) In the placement of a cache or other participation in a geocaching activity, a person must not do any of the following:~~

~~(A) Violate 312 IAC 8 or another state or federal law.~~

~~(B) Dig or otherwise disrupt the ground to place a cache.~~

~~(C) Place a cache more than twenty-five (25) feet from a developed trail, road, or access point.~~

~~(D) Place a containerless cache anywhere other than on or discoverable directly from a developed trail, road, or access point.~~

~~(E) Locate any cache other than a containerless cache on a property administered in whole or in part by the division of nature preserves.~~

~~(F) Seek a containerless cache on a property administered in whole or in part by the division of fish and wildlife.~~

~~(5)~~ (2) The maximum number of caches that can be approved on a DNR property at any time is the lesser of the following:

~~(A) twenty-five (25) fifty (50); or~~

~~(B) the number derived by dividing the total acreage of the DNR property by two hundred (200) acres. A DNR property containing at least two hundred (200) acres but not more than one thousand (1,000) acres is limited to not more than five (5) caches. A DNR property containing fewer than two hundred (200) acres does not qualify for geocaching. This subdivision does not apply to a property administered by the division of museums and historic sites.~~

~~(6)~~ (3) A property manager is not required to approve any multi-cache but may approve not more than five (5) multi-caches under an official geocaching placement license. Not more than five (5) stages may be established in any one (1) multi-cache.

~~(7)~~ (4) As soon as practicable after placing a cache, the person who holds an official geocaching placement license must record the exact location on the copy of the license maintained by the property manager.

~~(8)~~ The (5) A person who holds an official geocaching placement license must inspect any cache at least once every six (6) months to help ensure compliance with this information bulletin. During the inspection, the person must remove from the cache any food, alcohol, firearms, drugs, items unsuitable for minors, or other items that may pose a danger to people or wildlife.

~~(9)~~ (6) An official geocaching placement license expires: ~~one (1) year after the date of issuance.~~

(A) on January 1 of the year following the date of issuance; or

(B) if issued after October 31, on January 1 of the second year following the date of issuance.

(7) A property manager may renew an official geocaching placement license for a subsequent period under the terms described in part (6) of this paragraph.

5. License Standards

The property manager shall exercise reasonable discretion in determining whether to issue, condition, or deny an application for an official geocaching placement license. In the exercise of discretion, the following factors and principles apply:

(1) A cache ~~cannot~~ must not be approved for placement in a sensitive archaeological, historical, or ecological area. Examples include an historic buildings building or structures; ~~eaves structure, a cave, or areas that contain~~ an area that contains a rare, threatened, or endangered plant or ~~animals~~ animal.

(2) A scheduled resource management activity, such as a timber sale or a prescribed burn, shall be considered in evaluating a license application.

(3) A cache cannot be approved for placement in an area that could reasonably cause danger to a geocaching participant or to another person who visits the DNR property. Examples of inappropriate areas include ~~cliffs, bluffs, trees, lakes, streams, and roads~~ a cliff, bluff, tree, lake, stream, road or flood prone area.

(4) For inclusion with the license application, the property manager may require a person issued an official geocaching placement license to provide a photograph of the cache, the site where the cache is placed, or both.

(5) Any other factor reasonably consistent with proper use and protection of the particular DNR property, including implementation of a master plan.

(6) A ~~virtual~~ containerless cache is exempted from licensing under this information bulletin, but a person who administers or seeks a ~~virtual~~ containerless cache must comply with 312 IAC 8.

6. License Suspension or Revocation and Site Reclamation

(1) The property manager may suspend or revoke an official geocaching placement license if a term of the license or of this information bulletin is violated or if the location of the cache is found to pose a hazard to safety or the environment. The property manager shall make a reasonable attempt to notify the license holder of the action, as well as to notify the designated website. The reasons for the property manager's action shall be recorded with the license. If the license holder elects to relocate the cache, a new license application is required.

(2) Upon the suspension, revocation, or termination of an official geocaching placement license, the license holder is responsible for removal of the cache, for site restoration, and for any associated expenses. A person who places a cache without a license has the same responsibilities as if issued a license.

(3) A person who is aggrieved by a suspension or revocation may seek administrative review under 312 IAC 3-1.

7. History

The Natural Resources Commission approved this information bulletin on November 16, 2004. The ~~information~~ bulletin was published ~~initially~~ in the Indiana Register and ~~became~~ effective on January 1, 2005. The Commission approved amendments in September 2005 to include the Division of Museums and Historic Sites among ~~those~~ DNR properties where eligible for geocaching placement could be approved. These amendments were effective November 1, 2005. In July 2009, the Commission approved ~~additional~~ amendments to allow virtual geocaching containerless caches on properties administered by the Division of Nature Preserves, as well as to allow geocaching, ~~generally~~, on the Interlake ~~property in Warrick and Pike Counties~~ State Recreation Area. These amendments were effective August 1, 2009. In September 2012, at the request of the DNR and geocaching organizations, the Commission made numerous amendments to the bulletin. Reference to the Division of Museums and Historic Sites was removed because the division was repealed by P.L. 167-2011. These amendments were effective October 1, 2012.